1	KEVIN A. DARBY, ESQ. (NV BAR #7670) TRICIA M. DARBY, ESQ. (NV BAR #7956)	Electronically filed 9/11/11	
2	TYLER M. ELCANO, ESQ. (NV BAR #1057		
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7			
8	UNITED STATES BANKRUPTCY COURT		
9	FOR THE DISTRICT OF NEVADA		
10	In re:	Case No.: BK-N-11-51818-btb	
11	JOHN D. GESSIN,	Chapter 7	
12	·	MOTION TO WITHDRAW AS COUNSEL	
13	Debtor.	OF RECORD FOR THE DEBTOR	
14		Hearing Date: TBA Hearing Time: TBA	
15		Treating Time. TDA	
16	Darby Law Practice Ltd counsel o	f record for the Debtor in the above-referenced	
17	Darby Law Practice, Ltd., counsel of record for the Debtor in the above-referenced		
18	bankruptcy matter, hereby seeks to withdraw as Counsel for the reasons set forth below pursuant to LR 10-6(b), Nevada Supreme Court Rules, Rule 46, and Nevada Rules of Professional		
19	Conduct, Rule 1.16. This Motion is based on the following Points and Authorities and the		
20	Declaration of Counsel.	on the following folias and realionates and the	
21	POINTS AND AUTHORITIES		
22	I. BACKGROUND FACTS		
23		a voluntary petition under Chapter 13 of the U.S.	
24	Bankruptcy Code.	The second of th	
25		eting of Creditors on July 15, 2011. Debtor's 341	
26	Meeting was continued to August 26, 2011. Debtor did not appear at his continued 341 Meeting		
27	because of complications relating to an eye surgery. Debtor's 341 meeting was continued to		
	September 9, 2011. Debtor did not appear due to his desire to have his case dismissed.		
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3. Debtor desires to dismiss his Chapter 13 bankruptcy, so he can work with his creditors outside of the bankruptcy.

II. <u>LEGAL DISCUSSION</u>

GOOD CAUSE EXISTS TO ALLOW THE WITHDRAWAL OF COUNSEL

- 4. Local Rule IA 10-6(b) provides that "[n]o attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel." Pursuant to Nevada Supreme Court Rules, Rule 46, "[t]he attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows: ... 2. [u]pon the order of the court or judge thereof on the application of the attorney or the client."
- 5. In the present matter, Debtor desires his bankruptcy case be dismissed. Thus, Darby Law Practice's services are no longer necessary. Good cause exists to permit Darby Law Practice to withdraw as counsel of record to Debtor in this matter.

III. <u>CONCLUSION</u>

6. Based on the foregoing, Counsel respectfully requests this Court enter an order permitting Counsel to withdraw as counsel of record for Debtor in the above-referenced matter.

DATED this 11th day of September 2011.

DARBY LAW PRACTICE, LTD.

/s/ Tricia M. Darby

By:_____ Kevin A. Darby (NV SBN 7670) Tricia M. Darby (NV SBN 7956) 4777 Caughlin Parkway Reno, Nevada 89519